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a PRISONERS PUBLICATION

MARCH 1977

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CENTRE OF CRIMINOLOGY
JUN 7 1977

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J. Magrath, Editor

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ACCOUNTABILITY: AN ANSWER

Bearing in mind that the so-called truth of any matter is usually in the argument of the advocate, I suggest that the House Sub Committee investigating the problems in our penitentiaries might have inadvertently overlooked the obvious.

I suggest that there is a simple solution, an easy way, to eliminate most of the causative factors of institutional unrest. It would be an effective curative action, which could be implemented tomorrow without revolutionizing the existing administrative structure or enacting any new or radical legislation.

85% of the endemic problems in our penitentiaries could be eliminated overnight by the strict enforcement of accountability on all members of the Canadian Penitentiary Staff from the Commissioner down to the lowliest, newly-recruited, junior guard.

Before my critics accuse me of arguing simplistically, let me point out that frustration is the primary cause and basic reason why inmates revolt against the system and their keepers.

The inmate is continually told to do something, or forbidden to do something, and if he objects to the order he is subject to disciplinary action and varied punishments. The order or prohibition imposed may be neither reasonable nor lawful, yet it is binding upon him because it is issued with 'divine' administrative authority.

"His is not to reason why///His is to do and cry."

Despite the professed and widely proclaimed established avenues of redress, effective appeals against the arbitrary exercise, or abuse, of such powers is non-existent. The so-called right to redress by formal grievance procedures is a farcical exercise in futility. One level defers to the decision delivered by the preceding level. It is merely an extended cover-up of a cover-up, directed into controllable channels.

This officially blessed and widely ballyhooed 'approved procedure for handling inmate grievances' was doomed to serve a role of 'show and sham' from the beginning.

Staff members were not about to have their traditional distatorial powers curbed by some trouble-making inmate, complaining through a procedure that could reach all the way to Ottawa. If an inmate did insist on filing the grievance and persist on preceding past the first level of the institution's rejection, Staff could rely on Regional authorities to confirm the initial rejection.

Despite the paucity of sympathy for legitimate complaints, the inmates of all institutions still swamp L. Rutter, the Commissioner's "conscience" with grievances.

The mass of complaints filed, that have survived the rejection of the two lower levels, is concrete proof that inmates prefer to seek a peaceful and lawful method of obtaining redress for legitimate grievances.

Unfortunately, there can be no meaningful avenues of redress for inmates' complaints until there is a fundamental change in the Administration's thinking.

At every level of the Administration, staff members are firmly convinced, and act on the conviction, that an inmate has no rights, only privileges, and that these privileges can be granted, withheld or revoked at the whim or discretion of any staff member.

In that there are no rights to respect and official indulgence is the order of the day, how then can any inmate have a legitimate grounds for any complaint? The non-existent cannot be violated or abused.

It is quite obvious to staff members that the inmates' efforts to equate 'granted privileges' with so-called 'vested rights' is merely another insidious inmate ploy designed to emasculate the long-established, 'divine'

right to rule, a cherished prerogative of power vested in all penitentiary staff.

Only the malecontent, the chronic complainer, the 'pushy' type of inmate, scream about having 'rights'. The 'good', model inmate accepts the traditional authority of his keepers with christian resignation.

It is about time that everybody Administration, staff and inmates, woke up to the fact that this heavy myth is a crock of fermented parasupial manure.

Much of staff's power posture is an assumed authority. It is an authority derived from 'orders of convenience', or as the Romans were wont to put it: 'aboeant studia in mares.'

Inmates have certain rights, lawful guaranteed rights, and no amount of wishful thinking or arrogant indifference can erase their existence. The Courts have so declared.

It might be said that the inmates' Magna Charta was proclaimed by the Ontario Court of Appeal. In a historical ruling (Ontario C.A. re McChaud C. R. 1968-69, 317) the Court held, inter alia,

"Co-relative to the suspension of some of his civil rights in his special status as an inmate, an inmate becomes entitled to certain statutory civil rights which, largely because they are inapplicable to a person other than an inmate, are not within the usual category of civil rights of the individual. In dealing with the disregard of or infringement upon the inmate's statutory rights as an inmate, it is first necessary to consider what are those statutory rights. The rights conferred by statute we take to be those included in statutory enactments and in regulations made by the Governor in Council: and these appear to be the Penitentiary Act and regulations made pursuant to the authority conferred by the Act upon the Governor in Council, and duly published, have the same force as law, as have the provisions of the statute itself."

That proclamation of rights has survived unchallenged through a succession of Federal Court actions and the recent Martineau-Butters case in January, 1977 before the Supreme Court of Canada.

This landmark promulgation has acquired an added dimension with Chief Justice Jekett's unequivocal and cogent opinion in Martineau v. The Matsqui Institution (1976) 2 F.C. He held, inter alia,

"...any such decision that operates to affect the rights of an individual must be a bona fide exercise of the powers vested in the Penitentiary authorities."

The Courts have recognized that inmates have certain civil rights. All that is now required is to have the members of the Penitentiary Service staff do the same.

If these rights were clearly defined, with both keeper and kept fully familiar with their operative area, and everyone was forced to respect the integrity of that lawful authority, there would be a marked change for the better in our penitentiaries. That simple alteration in the operational policy of these institutions would materially diminish the existing tensions and frustrations. There would be a new and healthier relationship of trust and respect between inmate and staff.

Undoubtedly, the imposition of such drastic restrictions on Staff's carte blanche would cause a temporary disruption in routine operations. The traditionalists would find it extremely difficult to function within a framework of accountability after years of unlicensed authority. They would find it galling to say the least to have to concede that an inmate had rights, as opposed to privileges. But civil servants, under enforced directives, are extremely adaptable creatures. Forced to comply they would quickly adjust to the new modus vivendi. The more intelligent of them might even find it a refreshing change. The system would most assuredly place a premium on initiative and ability rather than seniority. The sincere might feel encouraged to hang on and try rather than give way to the entrenched power-brokers.

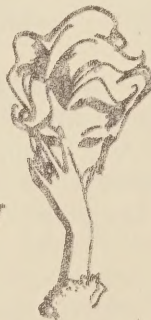


POETRY

Enchantingly
She pirouettes
Taut flesh
Posing
To the cadence
Of a castanet.



Heels challenging
The surface
Underfoot
To match
The rhythm
Of the
Music's beat.



A lissome body
Somewhat
Arrogantly
Proclaiming
Woman
Can be poetry.

J.C.M.



ON

STAGE

In the starkest arena of reality the art of illusion flourishes.

A group of inmates, tired of playacting the ironies of life, presented Harold Pinter's "Caretaker." Perhaps, to say they presented it is to be guilty of rank understatement. Producer William Hillis took three inmates with very limited acting experience and brought the fictional "Caretaker" to full-bodied life on a makeshift stage at Matsqui Institution.

The success of the group's thespian efforts was demonstrated to me in a remarkable manner. At a special session for the inmate body the play was watched by the most critical audience in the world: friends of the actors and production crew.

They watched the illusory life unfold on stage in silence, appreciative silence, an accolade rarely bestowed on anyone by inmates. At the conclusion of the play they applauded the actors and director with unfeigned enthusiasm.

Max Wyman, in the Leisure and TV section of the Vancouver Sun, 11th of March, 1977, offers a professional opinion of the presentation, as he saw it. He cites the scene-stealing histrionics of Ron Sauve, as Davies the tramp; the motorcycle gang menace of Tim O'Sullivan as Mick, the play's heavy; Wally Orlavitch as the confused adult-little boy with a wall full of tools. Wyman compliments Jerry Boyden for his fabrication of a suitable set in a land of limited means.

They normally ignore and rarely attend amateur theatricals. They are poorly disguised therapeutic sessions, designed to allow the participants an opportunity to give expression to suppressed emotions. Hillis' Caretaker was no exercise in psychiatric playacting. It was a serious attempt to showcase the latent artistic abilities of ordinary inmates. It succeeded. Sauve's rubber-faced contribution to the believability of the character he portrayed would be professional in any theatre. Orlavitch's soliloquy of suffering was a poignant presentation of an indigenous institutional malady recognizably real. O'Sullivan's portrayal of a psychotic menace was a first attempt that showed a raw potential that could easily develop.

Little of the 'legitimate' lives behind this wire enclosure. Those responsible for the success of such theatre should be encouraged to continue their efforts. If the Caretaker doesn't win them an 'emmy', it should at least win them a grant.

\$\$\$ TAINTED TESTIMONY

American concern with plea bargaining is increasing. Many high-ranking members of the U.S. judiciary have expressed grave misgivings about this particular prosecution practice, which is based primarily on expediency rather than on the principles of law and legal ethics.

In essence, plea-bargaining is a procedural tactic employed by the prosecution that permits an accused party to plead guilty to a reduced charge, with a promise of immunity from prosecution on the more serious offence, in order to speed the case through the courts or to obtain a conviction against a co-accused(s).

The Watergate trials were a prize example of wholesale plea-bargaining, and an odious illustration of its inherent evils.

From beginning to end it was a charade of traditional court procedures. The guilt of many of the self-admitted culprits was expiated by their willingness to testify as prosecution witnesses against their co-accused in the common crime.

Chief Judge Irving Kaufman of the United States Court of Appeals for the Second Circuit pointedly stated, *inter alia*, that:

"..We cannot ignore perversions of justice that may be engendered by bargained pleas...I believe that the pervasive practice of plea-bargaining is a yet more profound cause of the disrespect prisoners feel for the criminal system.

"Justice is a moral imperative. It cannot be sacrificed to expediency without undermining society's very foundations. Encouraging plea-bargaining as a means of expediting the criminal process is a mere palliative, and ultimately self-defeating."

In Canada, and British Columbia in particular, this suspect practice is being carried to its obvious cynical conclusion. We are witnessing case after case in which the prosecution

relies on purchased evidence for a conviction. A self-confessed criminal is granted immunity from prosecution and, in many instances, a cash reward for testifying for the Crown against another accused.

It was only recently, last June to be exact, that the media was trumpeting the sordid details of a particularly rank case. A paid informant, Fredrick John Ford, publicly complained about the financial pact he had made with the RCMP. In the press and on hot line interviews he brayed of betrayal. He accused the Force of welshing on a payment promised. Ford complained that he had received \$25,000 for his evidence, but that there still \$35,000 owed him, which the RCMP refused to pay.

In the ensuing public controversy the RCMP didn't deny that they had made a deal with the self-confessed drug trafficker and paid him \$25,000. They merely denied that they had promised to pay the extra \$35,000 claimed.

Chief Superintendent of the RCMP, Marvin Marcus, when asked about the propriety of making large cash payments to informers for their testimony against other accused blithely replied,

"We would be poor types if we didn't come up with some sort of stipend."

In another recent (Jan. 1977) drug-related murder trial at Nanaimo, an RCMP officer under oath on the witness stand admitted that an informant prosecution witness had been subjected to an around-the-clock interrogation, threatened and promised a cash reward of \$50,000, immunity from prosecution, and help in establishing a residence in another country under an assumed identity.

The most recent incident (Feb. 1977) of the new 'swap and pay' policy employed by police and prosecution was spotlighted in a murder trial involving 3 brothers. The star witness for the prosecution brazenly admitted his complicity in the crime but was given

immunity from prosecution in return for testifying against the brothers. There was also a suggestion that he would receive a cash reward for the services rendered.

No matter how one may sympathize with the many problems besetting the country's law enforcement agencies, this police-prosecution policy of making deals with self-confessed criminals is morally reprehensible and without foundation in law.

By granting immunity from prosecution to an individual who has been involved in the common crime, the police and prosecution staff who participate in the deal are themselves committing a crime. No manner of semantical juggling or rationalization can alter that simple fact.

Those who participate in the practice, who mistakingly think they serve the cause of justice, are in fact encouraging the criminal element to break the law. The guardians of law and order are indicating that any morally bankrupt parasite, who wants to have his cake and eat it too, can commit a crime without fear of punishment. The ruthless can rob, cheat, rape and murder with impunity. All the unscrupulous have to do is volunteer to testify against someone the police want badly but can't unearth sufficient evidence to obtain a conviction.

The fact that this solicited evidence may be, and in all probability is, fabricated does not appear to bother the Crown. The end justifies the means.

This despicable practice of gambling with the truth and men's freedom has become so commonplace that one can only wonder what the stool pidgeons of yesteryear must be thinking. They provided the same service to the police and prosecution but were charged and stood trial with their

fellow accused.

An old press clipping puts it all in its proper perspective. The party involved must surely be berating the injustice of it all when he reads of the immunity and cash rewards being given to the likes of Ford and the others of kindred ilk.

James Carey was sentenced to hang, after standing trial with co-accused Joe Gordon, for the 7th of Dec. 1955 killing of a Vancouver City Police constable. After sweating it out on Death Row for months, he received an 11th hour commutation to life imprisonment.

He was placed in this jeopardy and suffering despite the fact that he had testified for the Crown against Gordon and had contributed, according to a press write-up,

"...a number of things he had done to help the RCMP in various investigations, including a bank holdup in which Gordon had been involved, a car theft ring and a vicious drug war."

The attitudes of both police and public have undergone a radical change since those days. It now appears that purchased testimony has become respectable. The police have a stool pidgeon on hand for every contingency. They no longer have to hide and deny their deals or payment to the informant. They do it openly and encourage the scum of the criminal element to believe in Santa Claus.

In the short span of 10 years the police have foster-fathered a new class of criminals: those who break the law with immunity and impunity.

The Commandment of our forefathers, "Thou shall not steal," will have to be amended to accomodate the new philosophy of police and prosecution, "Thou shall not steal, unless you make a deal."

Vilified,
Stoned with
The verbal abuse
Of her neighbours' piety
The convict's wife
Knows the measure
Of Christian charity.



POTPOURRI

The label says, "Simply add the contents of this envelope to water and sugar for one gallon of delicious wine in 28 days." The label also says the wine should contain "not less than 12 per cent alcohol."

This jet-aged contribution to a man's struggle with soaring prices is a product called New Wonder Wine. It is sold in corner stores around Vancouver in both red and white types at \$1.99 per package.

It is reputed to be a fairly potable drink that tastes better than many of B.C.'s commercial wines.

"Malic acid, sodium citrate, yeast, urea, artificial flavour, calcium carbonate, lecithin, color and di-basic amonium phosphate."

Wine without grapes. 20th Century alchemy. Who says science hasn't contributed to the welfare of man. The old tentmaker would surely have viewed this liquid legerdemain with poetic appreciation.

"A beaker, bunsen burner and thou
Beside me with the magic potion were enou
To tempt the dusty desert to run red
With the juices from a flagon bled."

~~*****~~

DRUG PURGE SNARES 700

Culiacan, Mexico (AP)

More than 700 persons have been arrested during the first three weeks of a crackdown on drug smuggling in northern Sinaloa state, Government sources said Tuesday.

They said about 10,000 soldiers

(Van. Sun, 10 Feb., 1977)

are taking part in the campaign..

A Culiacan newspaper said deaths in clashes between gunmen and security units have averaged three a day since the operation began.....

Three deaths a day for three weeks. Peasants and soldiers dying because one's livelihood is threatened and the other obeys orders so that he can eat. Yet there are no mourning armbands worn in Vancouver, no public expression of sympathy for the bereaved kin, and no editorials berating the senseless and unnecessary waste of human life. It would appear the marketplace is always indifferent to the plight of the producer, even in the drug trade.

~~*****~~

CROWN FIRM SITUATION LEAVES MPs INCREDULOUS OTTAWA (CP)

No one knows how many companies the federal government owns or controls, the Commons public accounts committee studying the auditor-general's scathing report on crown corporations' financial management found Thursday.

J.J. Macdonell, the auditor-general, told committee members that his 1976 report looked into the activities of 27 crown

(Van. Sun, 11 Feb., 1977)

corporations out of 35 he is responsible for auditing.

He said there are many more government agencies and government-controlled bodies, but his staff couldn't determine how many.

Macdonell concluded from his study of 27 crown corporations last year that "financial management and control is weak and ineffective."

The incestuous breeding habits of our Ottawa bureaucracies, which fathered this obscene proliferation of Crown Companies, should be subjected to clinical laboratory studies. After all, their reproductive record is equalled only by that of caged rabbits force fed Spanish fly.

Old Marie might have lost her head because of her life style but she knew what of she spoke when she said "let them eat cake."

ACCESS TO FILES REJECTED
'NO NEED FOR MORE RIGHTS'
OTTAWA (CP) Prime Minister
Elliot Trudeau suggested in
the Commons Monday that Can-
adians don't need as much
access to government files
as Americans do because there
may not be as much abuse of
those files by police.

"I do not think the people
suspect the RCMP of conduct-
ing themselves as the Federal
Bureau of Investigation do,"
he told Elmer McKay (PC-Cent-
ral Nova)

(Van. Sun, 8 Feb. 1977)

Maybe not, but full disclosure under a RIGHT TO INFORMATION ACT might enable the public to find out what the politicians seem unable to accomplish: Discover where \$2.4 million of the taxpayers money went to after being paid out as sales' largess by the brass of A.E.C. of Canada.

JAILHOUSE BOOM

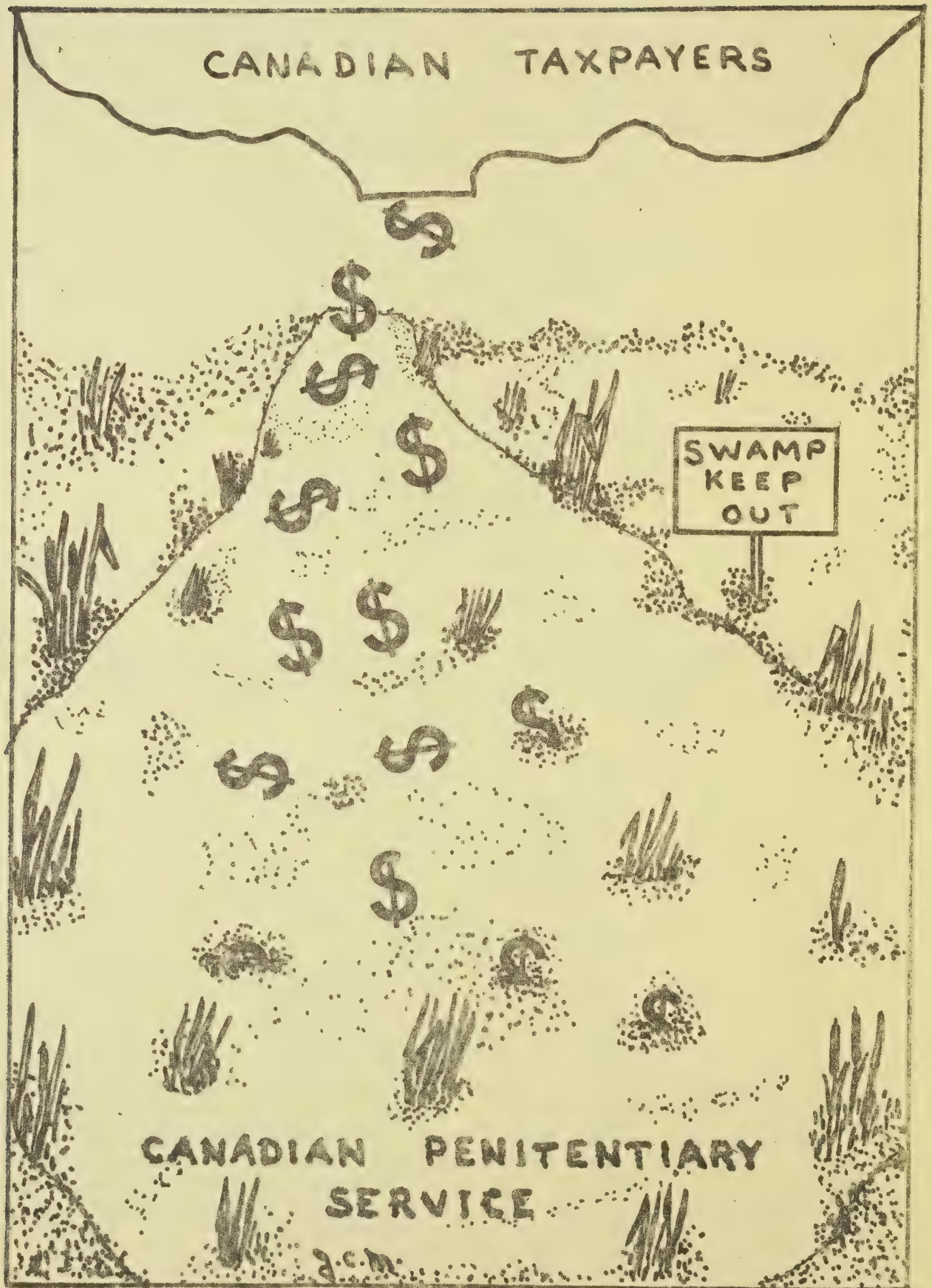
Business is booming in Canada's
prisons, Keith Spicer, assist-
ant district director of the
National Parole Service, said
Friday.

"We have never done better,"
he told a Liberals' luncheon
meeting in Edmonton.

He said Canadian institutions
are housing about 9000 persons,
including 2000 on the Prairies,
at a cost of \$47.65 a day.

(Van. Province)
(19 March 1977)

As shareholders in this 'booming business' we inmates are duly impressed by Mr Spicer's 'bottom line' report. It is nice to know that the prisons are bulging and the Parole Board "have never done better." Of course we are also a little confused. In our naivete we always thought the Parole Board's function was to release inmates, not gloat about the body count of those confined. We find it more than a little strange that a member of the Parole Service would brag about a sick situation that is costing the taxpayers \$428,850.00 per day.



IN FERTILE FIELDS

The phenomenon of growth has always intrigued the serious student. We, who have been educated in the North American scholastic system, have been systematically inculcated with an insidious 'size' syndrome. We have been taught to idolize and revere all that which blossoms quickly and profusely.

We are not content to accept that which is, as is. We must expand it, develop it. We split the atom so that we could build a bigger and better bomb. We are now tinkering with DNA, the basic structure of life, in a mad compulsion to create life in our own image.

Our heroes have never been the unspectacular, plodding workmen, who cleared the virgin prairies a stone at a time over the span of their life to create a producing farm, but the extraordinary individuals who made their millions or established their industrial empires early in life.

We enshrined in our special house of worship the legendary giants: Paul Bunyon and his Blue Ox, Andrew Carnegie, John D. Rockefeller, Henry Ford, Super Man, Sherlock Holmes, the Panama Canal, General Motors, James Hill, Babe Ruth and the Hollywood star system.

Our slogans accurately reflect our obsession with bigness: "What's good for General Motors is good for the country." "Big is best."

Somewhere, somehow, our misguided educators have managed to delude a generation of supposedly enlightened citizens into believing that smallness is a sin, that all must aspire to be giants and build pyramids.

In the course of perpetrating this hoax our educators have created a national complex. We are no longer able, or willing, to speak out against growth, even if it is a senseless and inordinately expensive growth.

A perfect example of our blindness to the faults and failings of 'bigness' is our casual acceptance of our Governments' continued expansion of the civil service. Federal agencies proliferate, expand, merge and multi-

ply with the fertility of bacteria. All are potential empire-builders. The Canadian Penitentiary Service exemplifies the breeding capabilities of an unchecked bureaucracy.

"In 1952 there were nine institutions with a total staff of 1,700 for 5,500 inmates. Today, (1977) with 54 institutions, the staff has increased to 8,100 for 8,500 inmates, a ratio of 1.05 prisoners to one staffer. In 1970-71 the budget was \$70.6 million; today, with the same number of prisoners, it is \$256 million. In 1970-71, 54 per cent went on care of inmates, 27 per cent on administration, 17.6 on rehabilitation. Today, inmate care gets 44.4 per cent, administration 36.8, and rehabilitation 18.8 per cent. In other words, the system now carries as many staffers as prisoners, the bill is three and a half times what it was five years ago and, as rehabilitation clearly has a miserable priority, the situation can do nothing but deteriorate."

(Lisa Hobbs, Vancouver Sun, Mar. 1977.)

In that the rate of recidivism has not been reduced by the expanded staff and facilities, having remained fairly constant over the years, it would appear that the sky-rocketing increases in operational costs is a grievous waste of the taxpayers money.

Were a private corporate body to operate with such a cavalier contempt for results, the shareholders would demand the resignation of every senior executive and the immediate implementation of a new operational policy.

Only in the never, never land of Government bureaucracies is a record of proven failure rewarded with a vote of confidence and an increased budget.

Someday in the near future, the Canadian taxpayer is going to get fed up with a Government that allows federal prisoners to be used as a life support system for the burgeoning army of over-paid, non-productive warehousemen.

by-R. Schofield
associate member

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How many people in society are aware of the abuse and indignities the mentally and (or) physically handicapped encounter in their daily living? How many people have actually had a personal contact or tried to communicate with these unfortunates, who many consider to be sub normal creatures and citizens?

The number is much lower than one might imagine.

Upon my arrival at Matsqui Institution, as an inmate, I was introduced to the co-ordinator of the Exceptional Childrens Workshop. I have since had the opportunity to not only meet, but work with, several mentally and physically handicapped children and adolescents.

At first, I was somewhat unsure of myself, as are many others when first introduced to the novel experience, but I soon over-came that problem. The children from Maple Ridge made sure of that.

Shortly after my first meeting with the children from the School I began to ask other inmates why they had volunteered to work with these unfortunate children. Many stated that they wanted to become involved with other people as a sort of meaningful group therapy. Most felt that they could identify with the humiliations and suffering inflicted on these stigmatized handicapped.

One inmate, upon being questioned as to why he had volunteered to join the group working with the Exceptional children, replied, "The Exceptional Childrens Workshop is the only Group in Matsqui where a man has the opportunity to feel worthwhile."

When I asked him to elaborate on that statement, he smiled and said, "This program allows me to keep my identity. To see young children smile at the discovery of a friend waiting to greet them upon their arrival at Matsqui makes me feel important. The mere thought that someone needs me and looks forward to seeing me is reason enough for me to want to carry on."

All the inmate members of the Exceptional Childrens Group ask of the program is to be given an opportunity to be needed. They will readily give what talents, abilities and humanity they have. They give it without reservation because the smile in a child's eyes, or the trusting touch of a feeble hand, is sufficient reward. They find a deep personal satisfaction in giving what little they have to give to those who openly show a sincere appreciation for the gift.

In "Reality Therapy", Dr. W. Glasser stresses the importance of reality, responsibility, and right from wrong. The inmate members of the Exceptional Childrens Workshop instinctively recognize Dr. Glasser's "reality." They feel that by helping the unfortunate children who come to their Workshop, they will acquire a satisfaction and serenity that will enable them to cope with the problems of imprisonment.

Society has always had a tendency to classify everyone with a distinctive trait, skin colouring, ethnic origin or physical characteristic as a stereotype. In the public's mind everyone of a particular group is supposed to look alike and act alike. All too frequently they nurse a mistaken conception of the group because they have met one and think they know them all.

The mentally and physically handicapped, as prison inmates, have always been stereotyped, and always with a faulty and unfavourable image. Inmates working with these handicapped can do much to force a reappraisal of the unflattering image. They can, through the development of the children they work with, show the world that these unfortunate children are viable individuals with distinct personalities and abilities capable of improving with help.

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